

Soliciting Stakeholder Input to Inform the Permitting Process: Mid-Barataria Sediment Diversion and Maurepas Swamp Diversion

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Conference on Ecological and Ecosystem Restoration
July 30, 2014



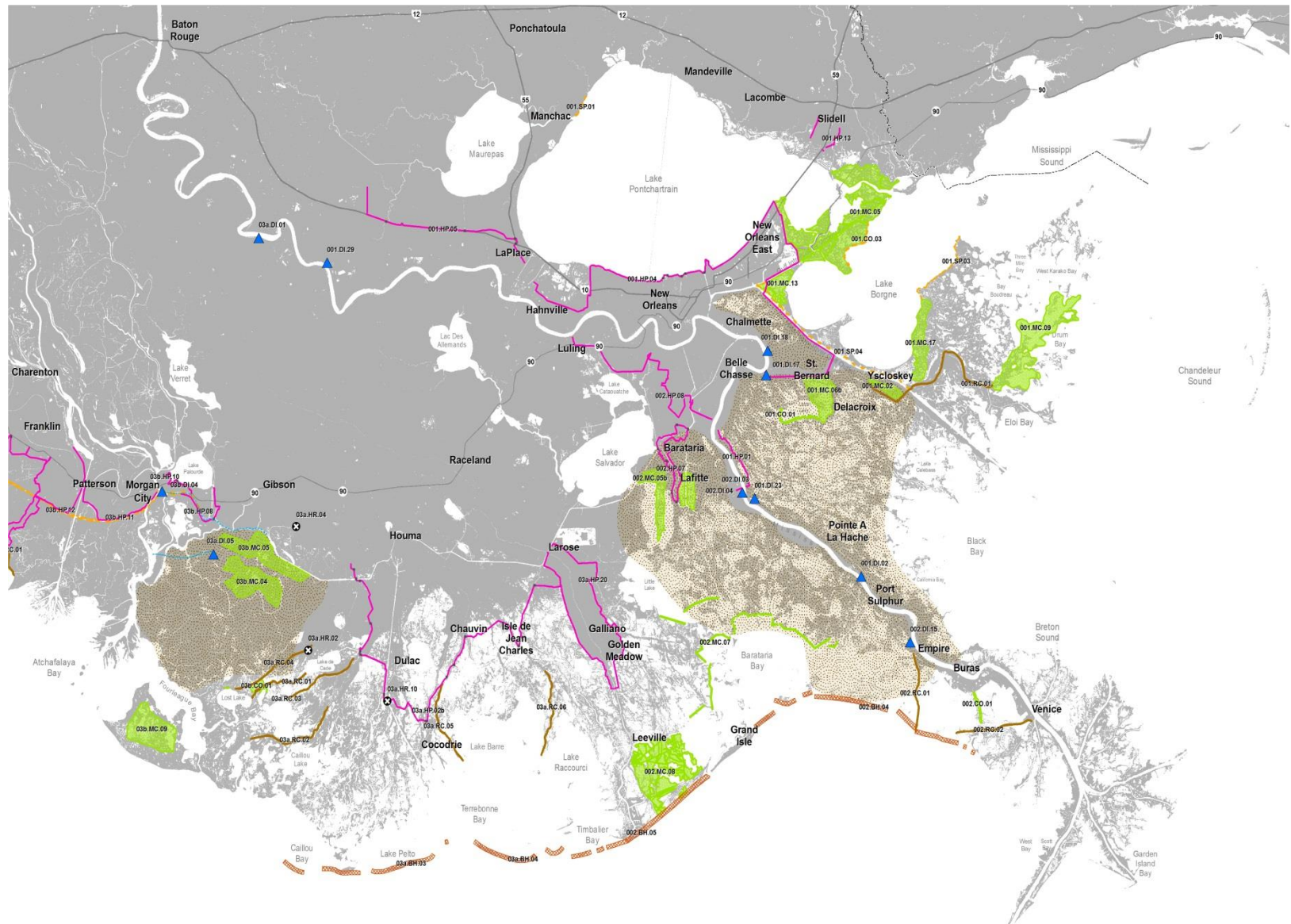
Coastal Protection and
Restoration Authority of Louisiana



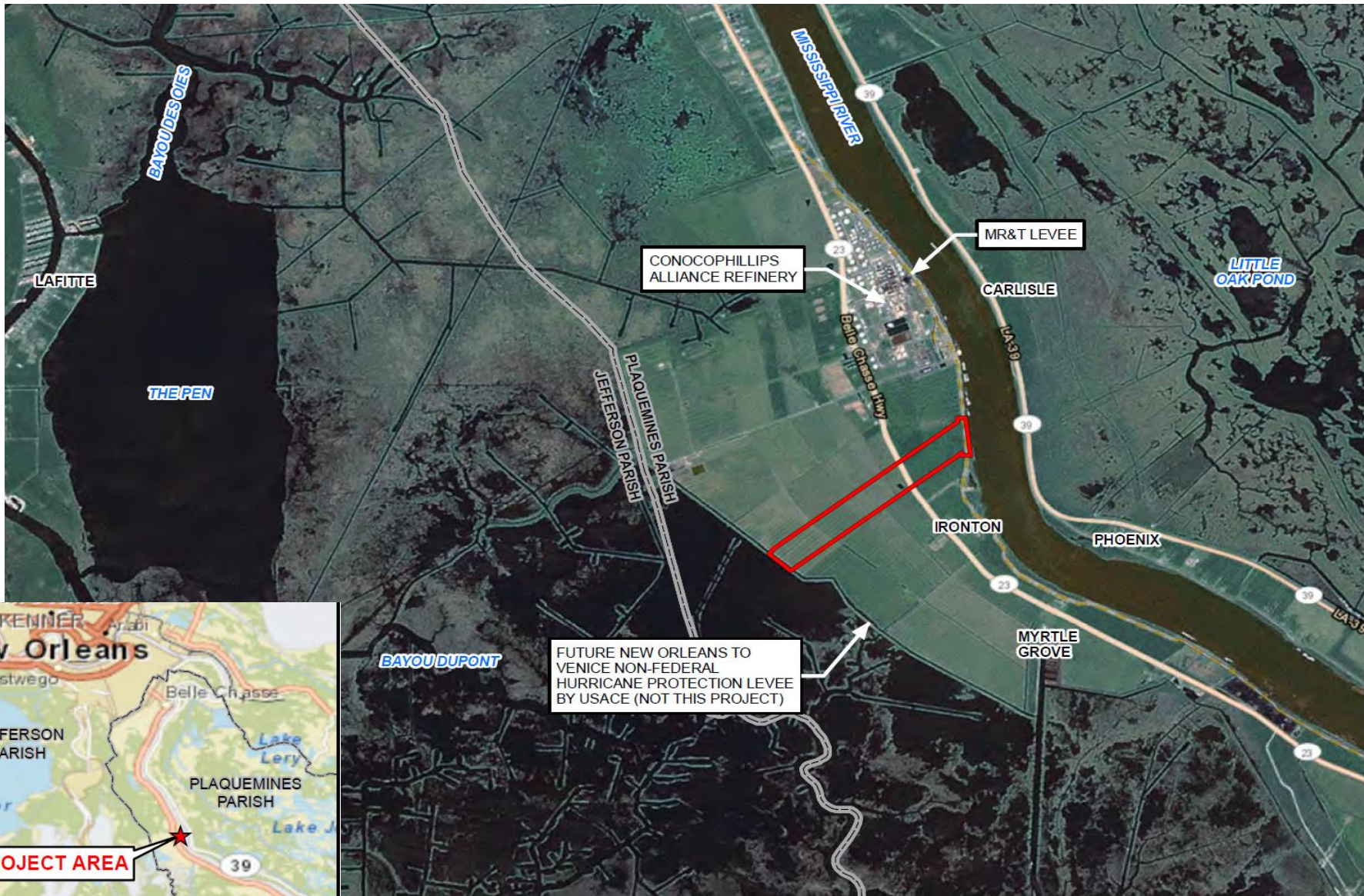
committed to our coast

Background

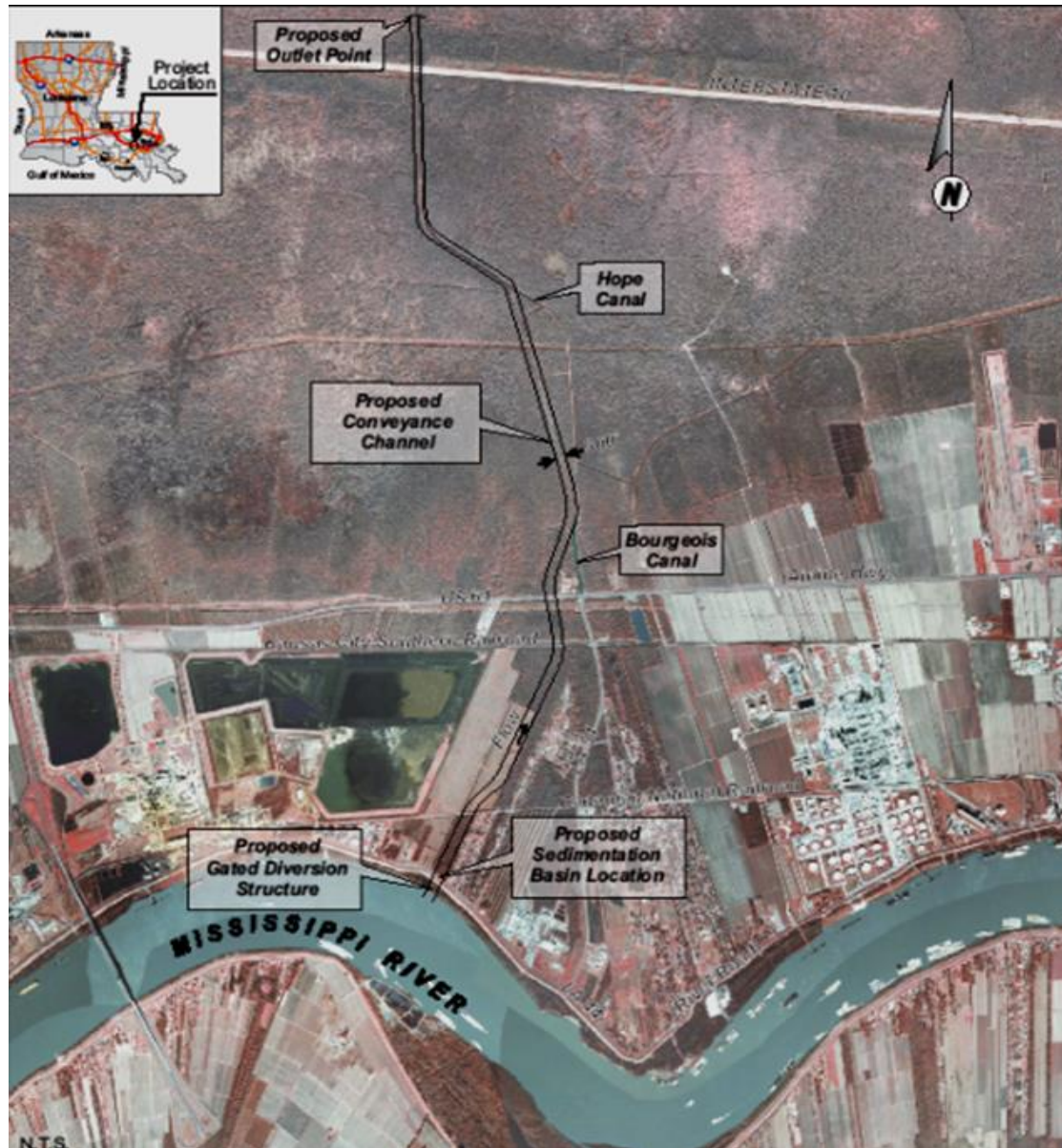
2012 Coastal Master Plan



Mid-Barataria Sediment Diversion



Maurepas Freshwater Diversion



Stakeholder Input

Mid-Barataria Solicitation of Views

- Solicitation period from May 22nd – July 31st
- Received 15 responses



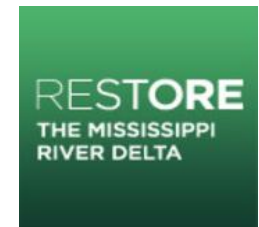
Mid-Barataria Sediment Diversion

Solicitation Of Views Themes

- Large diversion alter marine/brackish water
- Use Mississippi River Hydrodynamic Study for diversion size and location
- Evaluation of Essential Fish Habitat
- Adaptive Management Plan
- Potential increase of water levels in Lafitte and surrounding areas
- Salinity
- Wetland loss
- Water and sediment quality
- Threatened and endangered species
- Socio-economic impacts
- Navigation
- Permit process

Maurepas Joint Permit Public Notice

- Public notice August 22nd – September 22nd
- Received 12 responses



Maurepas

Public Notice Themes

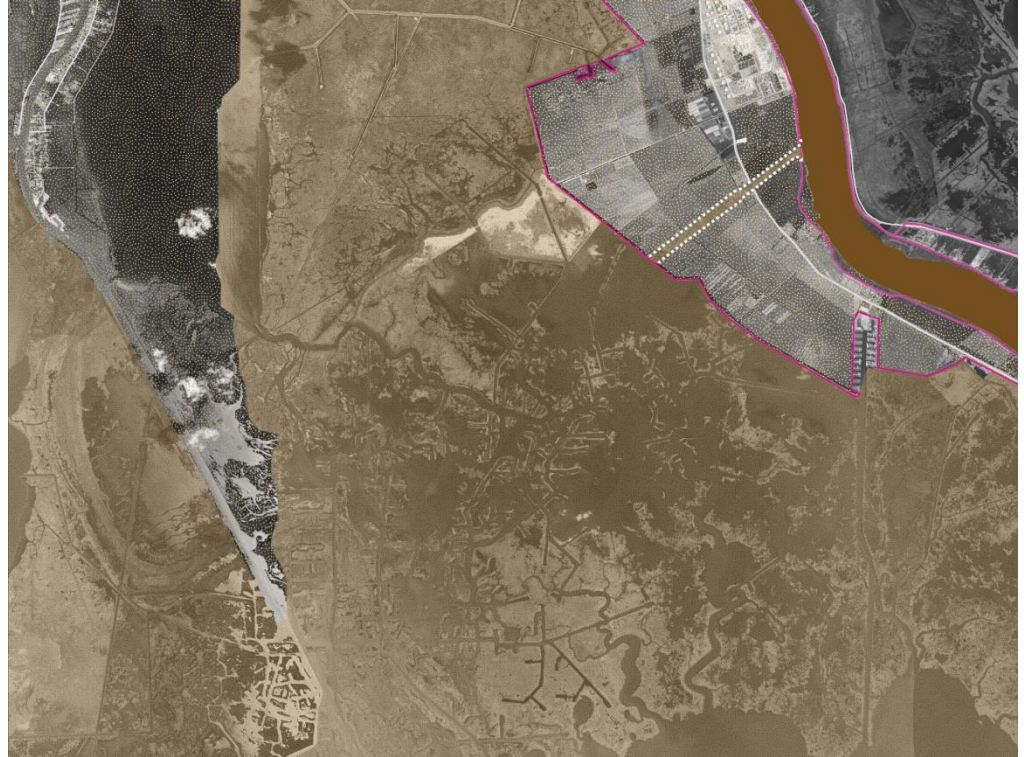
- Swamp Sustainability
- Water Quality
- Threatened and endangered species
- Salinity
- Benefits Analysis
- Hydrology
- Monitoring
- Adaptive Management
- Operations & Maintenance
- Use of CWPPRA NEPA data
- Navigation
- Federal/State Permits

NEPA and Permitting

Environmental Impact Statement

ABOUT :

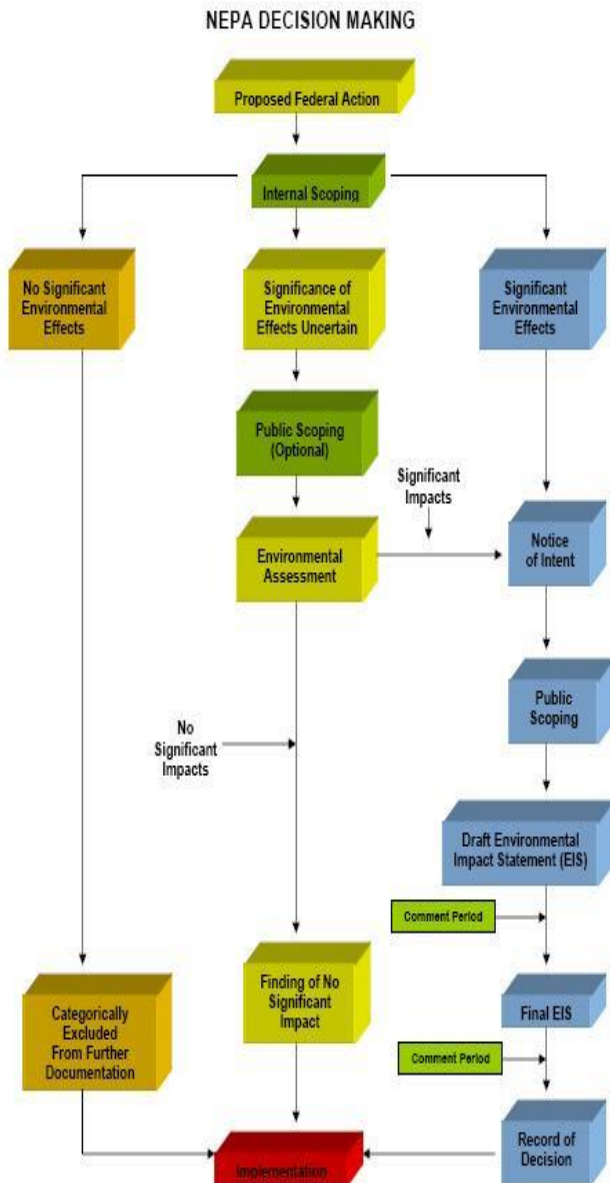
An Environmental Impact Statement (EIS) is an environmental document required by the National Environmental Policy Act (NEPA) for actions that **significantly affect the quality of the human environment** (42 USC §4332).



STATUS and NEXT STEPS:

- Negotiating 3rd Party Contractor Scope with USACE
- Awaiting Scoping Meetings
- Discussing Cumulative Impacts Analysis

NEPA and Permitting Assumptions



- 20 months to complete NEPA and issue Record of Decision (ROD)
 - Includes timeframes for agency consultations
 - Includes timeframes defined by CEQ for public review of Draft and Final EIS
 - Work completed under CWPPRA & LCA would be utilized
- 22 months to process Section 10/404 application

Section 10/404

ABOUT SECTION 10:

Section 10 of the Rivers and Harbors Act of 1899 requires authorization for the **construction of any structure in or over any navigable water** of the United States.

ABOUT SECTION 404:

Requires a permit for any category of activities involving **discharges of dredged or fill material** into waters of the United States, including wetlands.



NEXT STEPS:

- Awaiting Public Interest Review
- Permit decision cannot be made until NEPA and Section 408 are completed

MBSD Permit Timeline

- July 23, 2013 Joint Permit Application submitted to DNR Office of Coastal Management
- July 26, 2013 CPRA request to DNR Office of Coastal Management to place Coastal Use Permit processing on hold
- July 30, 2013 USACE received Joint Permit Application
- August 28, 2013 USACE initiates public interest review per CPRA request dated August 8, 2013
- October 4, 2013 Notice of Intent to Prepare EIS Published
- NEXT STEP Awaiting Public Scoping Meetings

Maurepas Permit Timeline

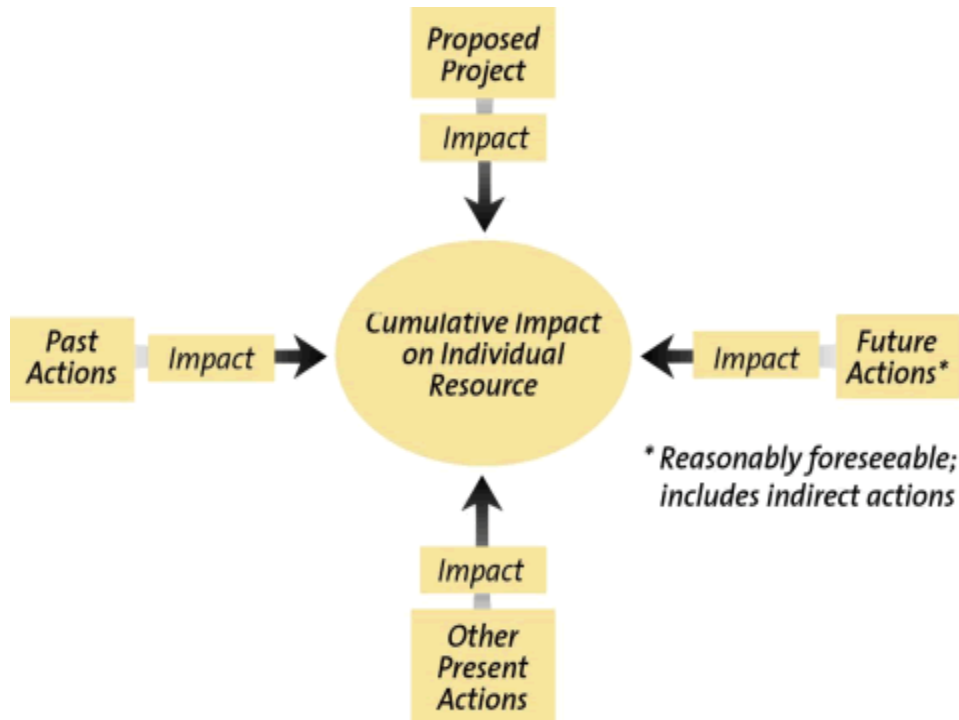
- May 8, 2013 Joint Permit Application submitted to DNR Office of Coastal Management
- June 26, 2013 USACE received Joint Permit Application
- August 22, 2013 USACE initiates public interest review via publication of Joint Public Notice
- May 21, 2014 USACE issued EA, determined an EIS will be required
- NEXT STEP Awaiting Public Scoping Meetings

Challenges

USACE Permit Considerations

- Potential for environmental harm
- Size of the proposed action
- State of the art analytical techniques
- Degree of public need for proposed action & consequences of delay
- Number of persons and agencies affected
- Degree to which relevant information is known & time required to obtain information
- Degree to which the action is controversial
- Other time limits imposed on the agency by law, regulations or executive orders

Cumulative Impacts Analysis



- CEQ guidance
- USACE definition of “reasonable & foreseeable” future actions vs CPRA’s definition
- USACE Lower Mississippi Valley Division draft requirements for diversions

Cumulative Effects Analysis 2012 Coastal Master Plan

Freshwater and Sediment Diversions

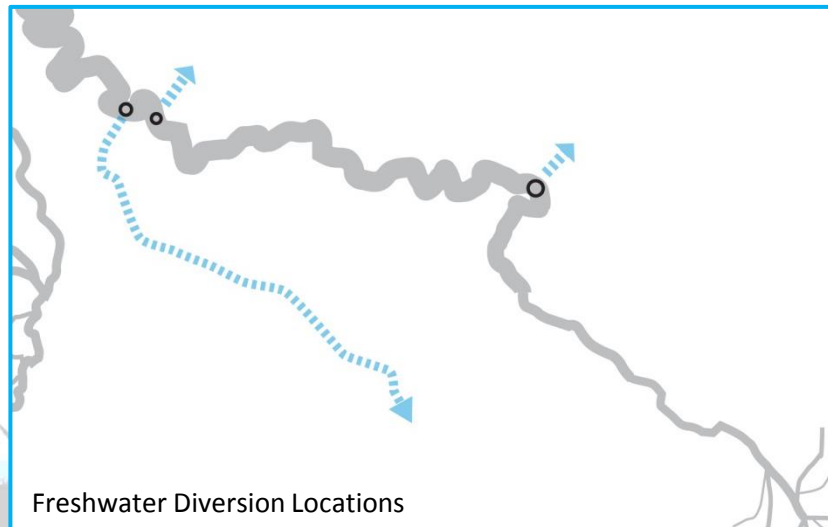


Diversions in the Master Plan

Freshwater Diversions

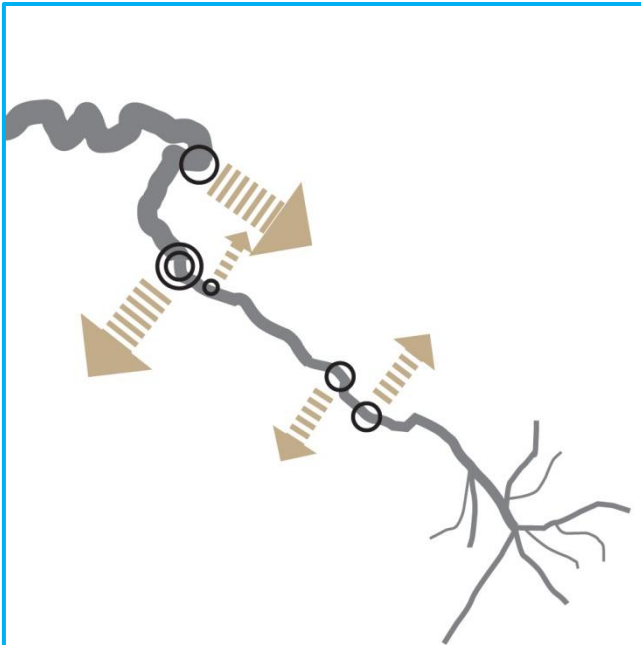
Diversion	Size	Status
Bayou Lafourche Diversion	Up to 1,000 cfs	Construction/Operations (Phase I and II funded at \$40 million through CIAP)
Central Wetlands Diversion	Up to 5,000 cfs	Project Planning (currently no active tasks)
West Maurepas Diversion(s)* <ul style="list-style-type: none"> Maurepas/Hope Canal Diversion Convent/Blind River Diversion 	Up to 5,000 cfs Up to 2,000 cfs Up to 3,000 cfs	-- Maurepas Diversion: Engineering & Design Convent/Blind River Diversion: Project Planning

*The West Maurepas Diversion may consist of two ongoing diversion projects, Maurepas/Hope Canal Diversion (up to 2,000 cfs) and Convent/Blind River Diversion (up to 3,000 cfs) for a total discharge of up to 5,000 cfs.



Diversions in the Master Plan

Mississippi Sediment Diversions



Mississippi Sediment Diversion Locations

Diversion	Size	Status
Mid-Barataria Sediment Diversion*	Up to 75,000 cfs	Project Specific Planning (E&D)
Mid-Breton Sediment Diversion*	Up to 35,000 cfs	Basin Level Planning
Lower Barataria Sediment Diversion	Up to 50,000 cfs	Basin Level Planning
Lower Breton Sediment Diversion	Up to 50,000 cfs	Basin Level Planning
Upper Breton Sediment Diversion	Up to 250,000 cfs	2 nd Implementation Period
Mid Barataria Sediment Diversion	Up to 250,000 cfs	2 nd Implementation Period

*Diversion capacities have been refined through the LCA projects Myrtle Grove and White's Ditch:

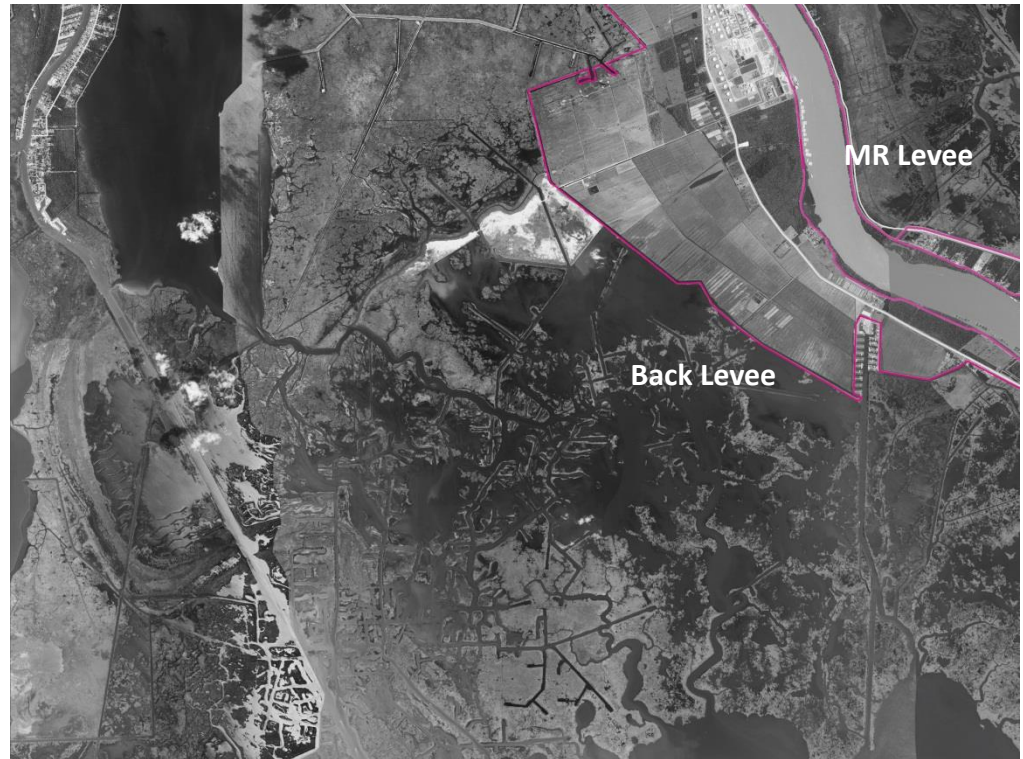
- Mid-Barataria Sediment Diversion capacity has increased from 50,000 cfs in the 2012 Coastal Master Plan to 75,000 cfs to increase sediment capture ratios at the project site.
- Mid-Breton Sediment Diversion - considering operation 5,000 cfs and 35,000 cfs.

Section 408

ABOUT:

Section 408, authorized in the Rivers and Harbors Act of 1899 and as amended in 1985 to include “public works”, allows the Secretary of the Army to grant permission to **alter completed federal public works projects** so long as the alteration does not impair the usefulness of the project and is not injurious to the public interest.

Examples: Levees, weirs, dams, etc.



Issues:

- No institutional knowledge within District
- Process currently under revision
- Section 10/404 permit decision cannot be made until Section 408 permission decided by USACE HQ

How can we go faster?

Section 214

- Section 214 of the Water Resources Development Act of 2000 allows the USACE to accept funds from non-Federal public entities to give priority to the evaluation of their permit applications
- Funds will pay for District Reviews:
 - Civil Works (Section 408 and NEPA)
 - Regulatory (Section 404)
- Timeline:
 - February 24, 2014 – Notice to accept and expend Section 214 funds for Mid-Barataria published
 - One comment (no objection) received on public notice
 - Current USACE cost estimate for expedited permit review with use of Section 214 funds is \$1.5 million paid over 2 years

QUESTIONS?

